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POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

PRESIDING OFFICER'S  
RULING NO. R2000-1/130

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

Postal Rate and Fee Changes

Docket No. R2000-1

PRESIDING OFFICER'S RULING  
CONCERNING ADDITIONAL STAMPS.COM'S PLEADING  
ON PROVIDING ACCESS TO PROTECTIVE MATERIAL

(Issued August 23, 2000)

Presiding Officer's Ruling No. R2000-1/128, issued August 22, 2000, overrules the Stamps.com objection to providing Mr. Carlson access to materials submitted under protective conditions.<sup>1</sup> After this ruling was issued, but prior to the release of the material under protective conditions, Stamps.com filed an additional pleading that replies to Mr. Carlson's response to the Stamps.com objection.<sup>2</sup>

Stamps.com argues that once an objection for access to protective material is filed, the burden should shift to the requesting party to identify a reason or justification for being granted access. Stamps.com further argues that the protected material forms no part of its discount proposal, the material is not relied upon by any of its witnesses, and the material has minor relevance to this proceeding.

Mr. Carlson is correct in stating that there is not a requirement for him to provide a reason or justification to gain access to the protected material. Mr. Carlson is in the class of persons allowed access under the terms of the protective conditions document. Stamps.com has not made an argument that there is a substantial risk of Mr. Carlson

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<sup>1</sup> Presiding Officer's Ruling Overruling Stamps.com's Objection to Providing Access to Protective Material (issued August 22, 2000).

<sup>2</sup> Stamps.com's Reply to Carlson's Response to Objection to Providing Access to Stamps.com's Protective Material.

not abiding by the conditions of the document. Therefore, Mr. Carlson has met the general requirements for access to the Stamps.com material.

Regardless of Mr. Carlson meeting the requirements for access, Mr. Carlson also articulates an acceptable reason or justification for being granted access to the protective material in his initial response to the Stamps.com objection. His response states:

Any discount category for First-Class Mail, such as Stamps.com's proposed discount, potentially affects the rates that all First-Class Mail customers pay, since some other customers must compensate for the lost revenue that a discount causes. I am concerned about the proposed discount for IBIP mail and intend to continue exploring this issue. Stamps.com *voluntarily* elected to participate in this proceeding and to propose a discount that would affect me as well as other members of the general public.<sup>3</sup>

Absent a compelling argument, Mr. Carlson has a right to see the Stamps.com material provided under protective conditions.

Stamps.com's additional arguments based on the relationship of the material to the Stamps.com proposals, Stamps.com's reliance upon the material, and the relevance of the material are also not persuasive to resolving the question of access. Each of the participants that review the material, and the Commission, will have to individually judge the weight of this evidence. This judgment cannot be made without first accessing the information under consideration.

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<sup>3</sup> Douglas F. Carlson Response to Stamps.com's Objection to Providing Access to Stamps.com's Material Submitted Under Protective Conditions (filed August 18, 2000) at 3-4.

## RULING

Presiding Officer's Ruling No. R2000-1/128 (filed August 22, 2000) that overrules Stamps.com's Objection to Providing Access to Stamps.com's Protective Material to Douglas F. Carlson (filed August 15, 2000) stands as issued. Douglas F. Carlson may access the Stamps.com material submitted under protective conditions.

A handwritten signature in black ink, appearing to read 'Ed Gleiman', with a long horizontal flourish extending to the right.

Edward J. Gleiman  
Presiding Officer